

2:00 pm

SECS. 430, 454, 550, 740, 780,
828, 846, 1027, 1029,
1072 F.C.A.

GENERAL FORM 8
(PETITION-VIOLATION OF
ORDER OF PROTECTION)
4/99

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

IN THE MATTER OF A PROCEEDING UNDER
ARTICLE 8 OF THE FAMILY COURT ACT

LINDA CURLEY O/B/O COURTNEY CURLEY AND JAMES
CURLEY, PETITIONER
-AGAINST-
JAMES CURLEY, RESPONDENT

DOCKET NO. O-2187-06

FU #23006

PETITION (VIOLATION OF ORDER - 8/24
OF PROTECTION)

TO THE FAMILY COURT:

1. The undersigned PETITIONER respectfully shows that: SHE IS LINDA CURLEY
2. By Order of this Court, 08/11/06, the original **RESPONDENT** was directed to observe the following condition of behavior: PLEASE SEE ATTACHED

(Upon information and belief) **Respondent** has failed to obey the Order of this Court in that: ON 8/24/06 AT 9:30 AM, RESPONDENT WAS UPSET THAT PETITIONER WAS LEAVING THE MARITAL RESIDENCE WITH THE CHILDREN, COURTNEY CURLEY 4/7/02 AND JAMES 8/2/05. RESPONDENT GRABBED BOTH OF PETITIONER'S UPPER ARMS AND HELD HER IN PLACE TO PREVENT HER FROM LEAVING. RESPONDENT SQUEEZED PETITIONER'S UPPER LEFT ARM CAUSING PAIN. AT THE SAME TIME, SINCE RESPONDENT BELIEVES HE IS BEING RECORDED, HE SHOUTED, "I DON'T HAVE MY HANDS ON YOU - I'M NOT TOUCHING YOU!" WHILE HE CONTINUED TO SQUEEZE PETITIONER'S UPPER LEFT ARM EXTREMELY TIGHTLY. PETITIONER WAS HOLDING JAMES, AGE 1, DURING THIS EVENT. RESPONDENT LET PETITIONER GO AND PICKED UP COURTNEY, AGE 4. PETITIONER LEFT THE HOME THROUGH THE GARAGE. PETITIONER HEARD RESPONDENT TELLING COURTNEY WHO WAS CRYING AT THIS POINT, "DADDY WASN'T TOUCHING MOMMY, RIGHT?" WHEN PETITIONER WAS ABOUT 20 FEET AWAY FROM RESPONDENT, RESPONDENT STARTED YELLING "STOP - GET YOUR HANDS OFF ME!" RESPONDENT ATTEMPTED TO GET COURTNEY TO STAY WITH HIM, BUT CHILD CHOSE TO GO WITH PETITIONER. RESPONDENT THEN INSISTED ON PUTTING CHILD IN CAR. RESPONDENT ANGRILY TOLD PETITIONER THAT SHE HAD TO WAIT UNTIL THE POLICE ARRIVED. AS PETITIONER DROVE AWAY, SHE HEARD RESPONDENT SCREAMING OUT IN PAIN AND THEN YELLING INTO THE TELEPHONE "YOU RAN OVER MY FOOT!" - EVEN THOUGH PETITIONER WAS NO WHERE NEAR RESPONDENT PETITIONER DROVE TO RAMAPO POLICE DEPARTMENT AND SPOKE TO SGT. DEMAIO AND LT. GRAVINO AND DESCRIBED WHAT HAD HAPPENED. THEY ADVISED PETITIONER THAT SHE COULD FILE HARASSMENT CHARGES AGAINST RESPONDENT WHICH SHE DID. THEY ALSO ADVISED PETITIONER TO FILE VIOLATION WITH PROBATION.

ON 8/14/06 AT APPROXIMATELY 9 PM, RESPONDENT TOLD PETITIONER THAT THE INTERIOR LIGHT WAS ON IN HER CAR. PETITIONER AT THE TIME WAS LOCKED IN HER BEDROOM. WHEN PETITIONER WENT OUTSIDE TO SHUT IT OFF, THE LIGHT WAS NOT ON. PETITIONER THEN REALIZED AS SHE RETURNED TO THE HOME THAT THE RESPONDENT HAD LIED TO GET HER OUT OF THE BEDROOM SO THAT HE COULD STAY THERE. RESPONDENT WAS IN THE BEDROOM WHEN SHE RETURNED TO THE HOUSE. WHEN PETITIONER ATTEMPTED TO ENTER THE ROOM AGAIN THROUGH THE BATHROOM, RESPONDENT PUT BOTH HIS HANDS ON PETITIONER'S WAIST, FORCEFULLY PUSHING HER BACKWARDS AND THEN ATTEMPTED TO CLOSE THE DOOR ON PETITIONER. PETITIONER TRIED TO TELL RESPONDENT THAT HER THINGS WERE IN THE

DECIDED
IN

3/2/07

DECISION

-DENIED

IN

V/O ALICIA

BEDROOM AND RESPONDENT SCREAMED "THEN GET THEM OUT!" CHILD, COURTNEY WITNESSED THE ALTERCATION AND BEGAN CRYING. RESPONDENT REALIZED THAT CHILD WAS UPSET AND STOPPED PUSHING PETITIONER. RESPONDENT APOLOGIZED TO CHILD AND THEN ALLOWED PETITIONER WITH THE CHILDREN TO STAY IN THE BEDROOM.

PETITIONER REPORTS EVERY TIME THE RAMAPO POLICE DEPARTMENT ARE CALLED TO DOMESTIC DISPUTES, RESPONDENT IMMEDIATELY TELLS POLICE THAT PETITIONER THREATENED TO KILL HIM WHICH LEAVES POLICE NO CHOICE BUT TO ARREST BOTH PARTIES IF THEY CHOOSE TO FILE CHARGES. RESPONDENT WILL FOLLOW PETITIONER IN CAR FOR NO REASON OTHER THAN TO INTIMIDATE PETITIONER. WHEN PETITIONER FILES POLICE REPORTS, RESPONDENT WILL DRIVE BY THE POLICE STATION NUMEROUS TIMES WHICH HAS BEEN DOCUMENTED BY POLICE. PETITIONER REPORTS THAT RESPONDENT CALLS HER EMPLOYER ON A WEEKLY BASIS, TELLING CO-WORKERS FALSE DAMAGING ACCUSATIONS ABOUT PETITIONER, SUCH AS PETITIONER IS HAVING AFFAIRS WITH THREE DOCTORS THAT ARE EMPLOYED AT THE SAME HOSPITAL. HUMAN RESOURCES IS ALSO CALLED ON A REGULAR BASIS, AS WELL. PETITIONER BELIEVES THAT RESPONDENT'S SOLE INTENT IS TO HARASS HER TO THE POINT OF JEOPORDIZING HER JOB.

PETITIONER BELIEVES THAT RESPONDENT'S ERRATIC BEHAVIORS ARE ESCALATING AND IS SEEKING THE COURT'S ASSISTANCE WITH THIS MATTER.

4. No previous application has been made to any Court or judge for the relief herein requested (except N/A).

WHEREFORE, PETITIONER prays that the RESPONDENT be dealt with in accordance with Section 8 of the Family Court Act,

PETITIONER IS RESPECTFULLY REQUESTING THAT RESPONDENT BE ORDERED TO VACATE THE MARITAL RESIDENCE.

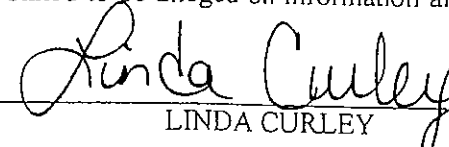
Dated: 08/11/06


LINDA CURLEY

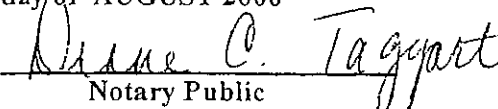
VERIFICATION

STATE OF NEW YORK)
COUNTY OF ROCKLAND) :ss.:

LINDA CURLEY being duly sworn, says that I am the **Petitioner** in the above-named proceeding and that the foregoing petition is true to my own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters I believe it to be true.


LINDA CURLEY

Sworn to before me this 25TH
day of AUGUST 2006


Notary Public

DIANE C. TAGGART
Notary Public, State of New York
Qualified in Rockland County
No. 01TA6122904
Commission Expires Feb. 22, 2009

Justice Court: Village of Airmont
County of Rockland

Form CI-4P

People of the State of New York
- against -
JAMES P. CURLEY
of 14 MADISON HILL ROAD
Defendant

Case #: 06-37613

DOB: 04/24/1964

TYPE: ~~MISDEMEANOR~~ FEL.

P.O. Rogers, Shield # 0475, of the Town of Ramapo Police Department
in the County of Rockland and State of New York, being duly sworn, deposes and says as follows:
On August 24, 2006 at about 09:30 hours, at 14 MADISON HILL ROAD
in the Village of Airmont, County of Rockland, State of New York,
the defendant committed the offense(s) of:
PL215.51(b)(v) Criminal Contempt 1st Degree

In that the defendant violated a duly ordered served order of protection, and such order of which the defendant had actual knowledge because he or she was
present in court when such order was issued, in that the defendant with intent to harass, annoy, threaten and alarm a person for whose protection such order
was issued, struck, shoved, kicked and otherwise subjected such other person to physical contact and attempted and threatened to do the same

The offense was committed under the following circumstances:
The deponent was informed by Linda Curley in a signed criminal charge, that the following offense was committed:
The defendant did grab her upper left arm, and did squeeze said arm tightly causing Linda to become alarmed and annoyed and causing redness to her arm.
This offense is in direct violation of a duly served order of protection, issued by the Rockland County Family Court on 08/21/06 Docket #O-02187-06, file
(0006)

False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

P.O. Rogers 475

Deponent

11:56 hours 8/24/06

Date and Time

Affirmed before me this date and time

People of the State of New York
- against -

James Curley

of 14 Madison Hill Rd, Suffern, NY

Defendant

Case #: 06-37613

DOB: 04/26/1964

TYPE: INFORMATION

I, Linda Curley

of 14 Madison Hill Rd

being duly sworn, deposes and says as follows:

On August 24, 2006 at about 9:30 hours, at 14 Madison Hill Rd

in the Village of Airmont, County of Rockland, State of New York,

the defendant committed the offense(s) of:

PL240.26(1)

Harassment 2nd Degree

In that the defendant, with intent to harass, annoy and alarm another, subjected that person to physical contact and attempted and threatened to do the same

The offense was committed under the following circumstances:
Deponent observed the defendant grab her by the upper left arm, and squeezed her arm tightly. Deponent stated "Take your hands off me" to which defendant replied "I don't have my hands on you", as he continued squeeze deponent's arm, causing deponent to be alarmed and annoyed and leaving a red mark on deponent's upper left arm.

False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

Linda Curley
Deponent

8/24/06

Date and Time

Affirmed before me this date: 24th
August 2006

(Signed)

Sgt. [Signature]